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PATENT  
ATTORNEY DOCKET: 46884-5271

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Tadataka EDAMURA et al. ) Confirmation No.: 3944  
Application No.: 10/776,615 ) Group Art Unit: 2828  
Filed: February 12, 2004 ) Examiner: Marcia A. Golub  
For: QUANTUM CASCADE LASER )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated May 1, 2007.
2. Additional papers enclosed:

Submission of Replacement Drawing Sheets  
 Replacement Drawing Sheets: 19 sheets with 21 figures  
 PTO Form 1449  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>                 | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00                | \$ 60.00                      |
| <input type="checkbox"/> two months           | \$ 450.00                | \$ 225.00                     |
| <input type="checkbox"/> three months         | \$ 1,020.00              | \$ 510.00                     |
| <input type="checkbox"/> four months          | \$ 1,590.00              | \$ 795.00                     |

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS AS AMENDED                                     |                                  |       |                             |               |                |            |
|---|----------------------------------|-------|-----------------------------|---------------|----------------|------------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid | Present Extra | at Rate of     | Total Fees |
| Total Claims (37 C.F.R. § 1.16(c))                    | 10                               | minus | 20                          | 0             | x \$50 each =  | + \$0.00   |
| Independent Claims (37 C.F.R. § 1.16 (b))             | 3                                | minus | 3                           | 0             | x \$200 each = | + \$0.00   |
| [ ] First presentation of Multiple dependent claim(s) |                                  |       |                             |               | \$360.00       | + \$0.00   |
| SUB-TOTAL =   |                                  |       |                             |               |                | \$0.00     |
| Reduction by ½ for filing by a small entity           |                                  |       |                             |               |                | - \$0.00   |
| TOTAL FEE =   |                                  |       |                             |               |                | \$0.00     |

6. Fee Payment

No fee is to be paid at this time.

Enclosed is a check in the amount of \$120.00 for the one-month extension of time fee.

The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

 A handwritten signature in black ink, appearing to read "Paul A. Fournier", is placed over a horizontal line. The line is preceded by the text "By:" and followed by the text "Paul A. Fournier Registration No. 41,023".

Dated: August 31, 2007

By:

**Customer No. 055694****DRINKER, BIDDLE & REATH LLP**

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**SUBMISSION OF REPLACEMENT DRAWING SHEETS**

Filed herewith are nineteen (19) replacement sheets of patent drawings containing twenty-one (21) figures. It is requested that these drawings be approved and made part of the official record in the above-identified patent application.

The attached Replacement Drawing Sheets, which include all of the Figs. 1-21 in this application, replace the previously filed-drawings sheets. In these Replacement Drawing Sheets, Figs. 3, 11-13 and 15 have been amended to include the legend "PRIOR ART" in response to the objection to the drawings in the Office Action.

It is respectfully submitted that this change introduces no new matter as it conforms to the specification and/or drawings as originally filed, pursuant to 37 C.F.R. § 1.81(d).

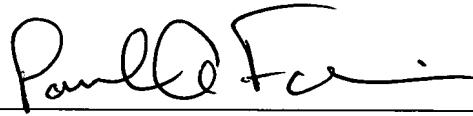
If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: August 31, 2007

By:

  
\_\_\_\_\_  
Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

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